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Attorneys for Defendant
CITY AND COUNTY OF SAN FRANCISCO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

METRO FUEL LLC, a Delaware limited
liability company,

Plaintiff,

vs.

CITY OF SAN FRANCISCO, a municipal
corporation, COUNTY OF SAN
FRANCISCO, a subdivision of the State
of California, CITY AND COUNTY OF
SAN FRANCISCO, a chartered California
city and county and DOE 1 through DOE
10,

Defendants.

Case No. C07-6067 JSW

**STIPULATION AND PROPOSED
ORDER**

1 WHEREAS, Emery Celli Brinckerhoff & Abady LLP has been retained to represent Plaintiff
2 Metro Fuel LLC as co-counsel to The Law Office of Paul E. Fisher; and

3 WHEREAS, Eric Hecker, Esq., a partner at Emery Celli Brinckerhoff & Abady LLP, has
4 moved for admission pro hac vice in this action and will formally appear when such application is
5 granted; and

6 WHEREAS, counsel for Plaintiff Metro Fuel LLC have reviewed the Motion for Judgment on
7 the Pleadings filed by Defendant City and County of San Francisco; and

8 WHEREAS, having reviewed the Motion for Judgment on the Pleadings, counsel for Plaintiff
9 Metro Fuel LLC wish to file an Amended Complaint in order to narrow, focus, and refine the issues
10 presented in this litigation; and

11 WHEREAS, the parties mutually desire for Plaintiff to have the opportunity to file an
12 Amended Complaint, for Defendant to have the opportunity to file a Motion to Dismiss or other
13 pleading, and for the parties to do so in a manner that does not substantially change the briefing
14 schedule previously approved by the Court; and

15 WHEREAS, Deputy City Attorney Thomas S. Lakritz, counsel for Defendant, is scheduled to
16 be on a prepaid vacation from April 28, 2008, through May 2, 2008, returning to the office on May 5,
17 2008; and

18 WHEREAS, Mr. Hecker (who was not retained by Plaintiff until after the prior Scheduling
19 Order was issued) has a prior commitment that will preclude his ability to attend the hearing presently
20 scheduled for June 13, 2008;

21 NOW, THEREFORE, it is hereby STIPULATED, AGREED, and ORDERED as follows:

22 1. Plaintiff shall serve Defendant with a putative an Amended Complaint on or before April
23 17, 2008, and shall file the same with the Court promptly after this Stipulation and Proposed Order is
24 approved by the Court.

25 2. Defendant shall file a revised Motion to Dismiss or other responsive pleading on or before
26 May 9, 2008.

27 3. Plaintiff shall file its opposition to Defendant's motion on or before May 23, 2008.
28

- 1 4. Defendant shall file its reply in further support of its motion on or before June 2, 2008.
2 5. The hearing previously scheduled for June 13, 2008, is continued until June 20, 2008.
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4

5 DATED: April 17, 2008

DENNIS J. HERRERA
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THOMAS S. LAKRITZ
Deputy City Attorneys

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9 By: /s/
THOMAS S. LAKRITZ

10 Attorneys for Defendant CITY AND COUNTY OF
11 SAN FRANCISCO
12

13 DATED: April 17, 2008

LAW OFFICES OF PAUL E. FISHER

14
15 By: /s/
PAUL E. FISHER

16 Attorneys for Plaintiff METRO FUEL, LLC
17
18

19 IT IS SO ORDERED:
20
21

22 DATED: _____ By: _____
23 THE HONORABLE JEFFREY S. WHITE
24
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